

AMENDED IN ASSEMBLY JUNE 18, 2002

**SENATE BILL**

**No. 1028**

**Introduced by ~~Committee on Elections and Reapportionment~~  
*Senator Perata***

February 23, 2001

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An act to amend ~~Section 13215~~ *Sections 8020, 8021, 8024, 8025, 8027, 10407, and 14311* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1028, as amended, ~~Committee on Elections and Reapportionment~~ *Perata*. ~~Ballots: electronic voting device~~  
*Elections: required filings.*

*Existing law specifies time periods by which documents for nomination and candidacy must be made available and filed.*

*This bill would extend these time periods, as specified.*

*Existing law provides that a voter who has moved within the same county, but not reported at the new address, may vote on the day of the election of the polling place of the current address, upon showing proof of the current address.*

*This bill would delete the request to show proof of the current address.*

*Existing law requires a ballot to be printed on the same leaf with a perforated stub upon which is printed only the number of the ballot.*

*This bill would exempt from that requirement a ballot that is generated on an electronic touchscreen voting device.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. Section 13215 of the Elections Code is amended~~

SECTION 1. *Section 8020 of the Elections Code is amended to read:*

8020. (a) No candidate's name shall be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing to the county elections official:

(1) Declaration of candidacy pursuant to Section 8040.

(2) Nomination papers signed by signers pursuant to Section 8041.

(b) The forms shall first be available on the ~~113th~~ 134th day prior to the direct primary election and shall be delivered not later than 5 p.m. on the ~~88th~~ 109th day prior to the direct primary.

(c) Upon the receipt of an executed nomination document, the county elections official shall give the person delivering the document a receipt, properly dated, indicating that the document was delivered to the county elections official.

(d) Notwithstanding Section 8028, upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. The county elections official shall not require a candidate to sign, file, or sign and file, a declaration of candidacy as a condition of receiving nomination papers.

SEC. 2. *Section 8021 of the Elections Code is amended to read:*

8021. All nomination documents which are delivered for filing to the elections official in compliance with Section 8020 and that are not required by this chapter to be filed in the office of the Secretary of State shall be filed with the elections official by the ~~83rd~~ 104th day before the primary election.

SEC. 3. *Section 8024 of the Elections Code is amended to read:*

8024. Notwithstanding Section 8020 or any other provision of the law, if nomination documents for an incumbent officer of a county are not delivered by 5 p.m. on the ~~88th~~ 109th day before the direct primary election, any person other than the person who was the incumbent on the ~~88th~~ 109th day shall have until 5 p.m. on the ~~83rd~~ 104th day before the election to file nomination documents for the elective office.

1 This section is not applicable where there is no incumbent  
2 eligible to be elected.

3 *SEC. 4. Section 8025 of the Elections Code is amended to*  
4 *read:*

5 8025. If only one candidate has declared a candidacy for a  
6 partisan nomination at the direct primary election for a party  
7 qualified to participate at that election, and that candidate dies after  
8 the last day prescribed for the delivery of nomination documents  
9 to the elections official, as provided in Section 8020, but not less  
10 than ~~83~~ 104 days before the election, any person qualified under  
11 the provisions of Section 8001 may circulate and deliver  
12 nomination documents for the office to the elections official up to  
13 5 p.m. on the ~~74th~~ 95th day prior to the election. In that case, the  
14 elections official shall, immediately after receipt of those  
15 nomination documents, certify and transmit them to the Secretary  
16 of State in the manner specified in this article.

17 *SEC. 5. Section 8027 of the Elections Code is amended to*  
18 *read:*

19 8027. (a) Filing of nomination papers for a nonpartisan  
20 office, except for a judicial office, shall be reopened when an  
21 incumbent who is a candidate for a nonpartisan statewide,  
22 countywide, or citywide office, or for a nonpartisan office that is  
23 elected by division, area, or district which he or she currently holds  
24 at an election at which only one other candidate, excluding any  
25 write-in candidates, has qualified to have his or her name placed  
26 on the ballot for that office and either the challenger or the  
27 incumbent dies after the ~~88th~~ 109th day but before the ~~68th~~ 89th  
28 day before the election.

29 (b) Any person qualified to be a candidate for the office for  
30 which either the deceased challenger or the deceased incumbent  
31 was a candidate may circulate and deliver nomination papers  
32 commencing the day after the death of either the challenger or the  
33 incumbent. Candidates shall be nominated in accordance with this  
34 part, except that in-lieu-filing-fee petitions shall not be made  
35 available and nomination papers shall be returned to the elections  
36 official no later than 5 p.m. on the ~~68th~~ 89th day before the  
37 election.

38 *SEC. 6. Section 10407 of the Elections Code is amended to*  
39 *read:*

1 10407. (a) Notwithstanding any other provision of law,  
2 whenever other elections are consolidated with a regularly  
3 scheduled election, the period for the filing of nomination  
4 documents by candidates in elections consolidated with the  
5 regularly scheduled election shall commence on the ~~113th~~ 134th  
6 day prior to the election. The nomination documents shall be filed  
7 not later than 5 p.m. on the 88th day prior to the regularly  
8 scheduled election in the office of the appropriate officer, during  
9 regular office hours.

10 (b) Notwithstanding subdivision (a), if nomination documents  
11 for an incumbent officer of a political subdivision are not filed by  
12 5 p.m. on the 88th day before the election, any person other than  
13 the person who was the incumbent on the 88th day shall have until  
14 5 p.m. on the 83rd day before the election to file nomination  
15 documents for the elective office. This section is not applicable  
16 where there is no incumbent eligible to be elected.

17 *SEC. 7. Section 14311 of the Elections Code is amended to*  
18 *read:*

19 14311. (a) A voter who has moved from one address to  
20 another within the same county and who has not reregistered to  
21 vote at that new address may, at his or her option, ~~and upon~~  
22 ~~showing proof of current residence,~~ vote on the day of the election  
23 at the polling place at which he or she is entitled to vote based on  
24 his or her current residence address, or at the office of the county  
25 elections official or other central location designated by that  
26 elections official. The voter shall be reregistered at the place of  
27 voting for future elections.

28 (b) Voters casting ballots under this section shall be required to  
29 vote by provisional ballot, as provided in Section 14310.

30 ~~(c) The Secretary of State shall, by regulation, adopt~~  
31 ~~procedures for determining the documents or other materials that~~  
32 ~~constitute proof of residence for purposes of voting under this~~  
33 ~~section.~~

34 ~~to read:~~

35 ~~13215. The ballots shall be printed on the same leaf with a stub~~  
36 ~~not over one inch in depth. The stub shall be separated from the~~  
37 ~~ballot by a horizontal perforated line or rule from side to side.~~  
38 ~~Upon this stub shall be printed only the number of the ballot. This~~

- 1 ~~section does not apply to a ballot generated on an electronic~~
- 2 ~~touchscreen voting device.~~

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